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COMPILATION OF TREATY
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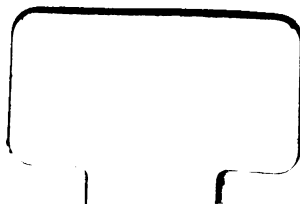
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66TH CONGRESS }
1st Session }

SENATE

{ DOCUMENT
No. 135 }

U.S. Treaties, etc.

COMPILATION OF ^{cto} TREATY RESERVATIONS

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A COMPILATION

OF RESERVATIONS MADE TO TREATIES
AND CONVENTIONS BY THE SENATE OF
THE UNITED STATES



PRESENTED BY MR. LODGE

OCTOBER 15, 1919.—Ordered to be printed

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COMPILATION OF TREATY RESERVATIONS.

TREATY OF PEACE, AMITY, COMMERCE, AND NAVIGATION WITH KOREA CONCLUDED MAY 22, 1882.

JANUARY 9, 1883.

Reported by Mr. Windom.

On motion of Mr. Windom, and by unanimous consent,

The said treaty was read the second time and considered as in Committee of the Whole; and no amendment being made, it was reported to the Senate.

Mr. Windom submitted the following resolution for consideration:

Resolved (two-thirds of the Senators present concurring), That the Senate advise and consent to the ratification of the treaty of commerce and navigation between the United States and the Kingdom of Korea, or Chosen, concluded on the 22d of May, 1882.

Resolved, That it is the understanding of the Senate in agreeing to the foregoing resolution that the clause, "Nor are they permitted to transport native produce from one open port to another open port," in Article VI of said treaty, it is not intended to prohibit and does not prohibit American ships from going from one open port to another open port in Korea, or Chosen, to receive Korean cargo for exportation or to discharge foreign cargo; and

Resolved, That the President be requested to communicate the foregoing interpretation of said clause to the Korean, or Chosen, Government on the exchange of ratifications of said treaty, as the sense in which the United States understand the same.

Resolved further, That the Senate in advising and consenting to the treaty mentioned in the foregoing resolutions does not admit or acquiesce in any right or constitutional power in the President to authorize or empower any person to negotiate treaties or carry on diplomatic negotiations with any foreign power, unless such person shall have been appointed for such purpose, or clothed with such power, by and with the advice and consent of the Senate, except in the case of the Secretary of State or diplomatic officer appointed by the President to fill a vacancy occurring during the recess of the Senate, and it makes the declaration in order that the means employed in the negotiation of said treaty be not drawn into precedent.

Resolved, That the Secretary communicate all the foregoing resolutions to the President.

The Senate proceeded, by unanimous consent, to consider the said resolutions, and

On the question to agree thereto,

It was determined in the affirmative, two-thirds of the Senators present having voted in the affirmative.

GENERAL ACT FOR THE REPRESSION OF AFRICAN SLAVE TRADE,
SIGNED JULY 2, 1890.

JANUARY 11, 1892.

Mr. Sherman * * * reported it without amendment, accompanied by the following resolution:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the general act signed at Brussels July 2, 1890, by the plenipotentiaries of the United States and other powers, for the suppression of the African slave trade, and for other purposes.

Resolved further, That the Senate advise and consent to the acceptance of the partial ratification of the said general act on the part of the French Republic, and to the stipulations relative thereto, as set forth in the protocol signed at Brussels January 2, 1892.

Resolved further, as a part of this act of ratification, That the United States of America, having neither possessions nor protectorates in Africa, hereby disclaims any intention, in ratifying this treaty, to indicate any interest whatsoever in the possessions or protectorates established or claimed on that continent by the other powers, or any approval of the wisdom, expediency, or lawfulness thereof, and does not join in any expressions in the said general act which might be construed as such a declaration or acknowledgment; and, for this reason, that it is desirable that a copy of this resolution be inserted in the protocol to be drawn up at the time of the exchange of ratifications of this treaty on the part of the United States.

On motion by Mr. Sherman, and by unanimous consent,

The said general act (having heretofore been read the second time) was considered as in Committee of the Whole; and no amendment being made, it was reported to the Senate; and

On the question to agree to the resolution reported from the Committee on Foreign Relations,

It was determined unanimously in the affirmative.

Ordered, That the Secretary lay the said resolution before the President of the United States.

SUPPLEMENTARY INDUSTRIAL CONVENTION, CONCLUDED APRIL 15,
1891.

MARCH 8, 1892.

Mr. Hiscock * * * reported the same without amendment, accompanied with the following resolution, viz:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of protocols 3 and 4, signed at Madrid, April 15, 1891, by the United States and other powers, amendatory to the convention of March 20, 1883, for the protection of industrial property, subject to the reservation of the plenipotentiary of the United States in the international conference for the protection of industrial property at Madrid, as follows:

The share allotted to the United States to contribute to the donation of the international bureau is not to be augmented until the Congress of the United States shall have approved the augmentation.

That articles 3 and 4 of the fourth protocol shall not go beyond what shall be established by the legislation of the United States.

On motion by Mr. Hiscock, and by unanimous consent,

The protocols were read the second time and considered as in Committee of the Whole, and no amendment being made thereto they were reported to the Senate.

On the question to agree to the resolution reported from the Committee on Foreign Relations,

It was determined unanimously in the affirmative.

Ordered, That the Secretary lay the said resolution before the President of the United States.

ALGECIRAS CONVENTION OF 1906.

DECEMBER 12, 1906.

On motion by Mr. Cullom, the Senate proceeded to consider the same as in Committee of the Whole, and no amendment being proposed it was reported to the Senate; and no amendment being proposed,

Mr. Cullom submitted the following resolution for consideration:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the general act and an additional protocol, signed on April 7, 1906, by the delegates of the powers represented at the conference which met at Algeciras, Spain, to consider Moroccan affairs.

Which, by unanimous consent, the Senate proceeded to consider.

Mr. Bacon reported from the Committee on Foreign Relations the following resolution:

Resolved further, That the Senate, as a part of this act of ratification, understands that the participation of the United States in the Algeciras conference and in the formation and adoption of the general act and protocol which resulted therefrom, was with the sole purpose of preserving and increasing its commerce in Morocco, the protection as to life, liberty, and property of its citizens residing or traveling therein, and of aiding by its friendly offices and efforts, in removing friction and controversy which seemed to menace the peace between powers signatory with the United States to the treaty of 1880, all of which are on terms of amity with this Government; and without purpose to depart from the traditional American foreign policy which forbids participation by the United States in the settlement of political questions which are entirely European in their scope.

After discussion,

On motion by Mr. Hale that the resolution reported by Mr. Bacon be added as an amendment to the resolution of ratification,

It was determined in the affirmative.

On the question to agree to the resolution of ratification as amended, it was determined in the affirmative, two-thirds of the Senators present having voted in the affirmative. So the resolution as amended was agreed to.

Ordered, That the said resolution be laid before the President of the United States.

CONVENTION FOR THE SETTLEMENT OF INTERNATIONAL DISPUTES,
SIGNED AT THE HAGUE, 1907.

APRIL 2, 1908.

The Senate proceeded as in Committee of the Whole to consider the same, and no amendment being proposed,

After discussion,

It was reported to the Senate, and no amendment being proposed,

Mr. Carter submitted the following resolution, which was considered by unanimous consent:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of a convention signed by the delegates of the United States to the Second International Peace Conference, held at The Hague from June 16 to October 18, 1907, for the pacific settlement of international disputes, subject to the declaration made by the delegates of the United States before signing said convention, namely:

Nothing contained in this convention shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions of policy or internal administration of any foreign State; nor shall anything contained in the said convention be construed to imply a relinquishment by the United States of its traditional attitude toward purely American questions.

Resolved further, as a part of this act of ratification, That the United States approves this convention with the understanding that recourse to the permanent court for the settlement of differences can be had only by agreement thereto through general or special treaties of arbitration heretofore or hereafter concluded between the parties in dispute; and the United States now exercises the option contained in article 53 of said convention, to exclude the formulation of the "compromis" by the permanent court, and hereby excludes from the competence of the permanent court the power to frame the "compromis" required by general or special treaties of arbitration concluded or hereafter to be concluded by the United States, and further expressly declares that the "compromis" required by any treaty of arbitration to which the United States may be a party shall be settled only by agreement between the contracting parties, unless such treaty shall expressly provide otherwise.

On the question to agree to the said resolution,

It was determined in the affirmative, two-thirds of the Senators present having voted in the affirmative.

Ordered, That the Secretary lay the said resolution before the President of the United States.

CONVENTION CONCLUDED AT THE SECOND HAGUE PEACE CONFERENCE HELD AT THE HAGUE, 1907, CONCERNING THE RIGHTS AND DUTIES OF NEUTRAL POWERS IN NAVAL WAR.

APRIL 17, 1908.

On motion by Mr. Bacon, the Senate proceeded to consider the same as in Committee of the Whole, and no amendment being proposed it was reported to the Senate; and no amendment being proposed,

Mr. Bacon submitted the following resolution, which was considered by unanimous consent and unanimously agreed to:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the adherence of the United States

to a convention adopted by the Second International Peace Conference held at The Hague from June 15 to October 18, 1907, concerning the rights and duties of neutral powers in naval war, reserving and excluding, however, Article XXIII thereof, which is in the following words:

A neutral power may allow prizes to enter its ports and roadsteads, whether under convoy or not, when they are brought there to be sequestered pending the decision of a prize court. It may have the prize taken to another of its ports.

If the prize is convoyed by a warship, the prize crew may go on board the convoying ship.

If the prize is not under convoy, the prize crew are left at liberty.

Resolved further, That the United States adheres to this convention with the understanding that the last clause of Article III implies the duty of a neutral power to make the demand therein mentioned for the return of a ship captured within the neutral jurisdiction and no longer within that jurisdiction.

Ordered, That the secretary lay the said resolution before the President of the United States.

CONVENTION RESPECTING THE LIMITATION OF THE EMPLOYMENT OF FORCE FOR THE RECOVERY OF CONTRACT DEBTS, SIGNED AT THE HAGUE, 1907.

APRIL 17, 1908.

On motion by Mr. Carter, the Senate proceeded to consider the same as in Committee of the Whole.

And no amendment being proposed, it was reported to the Senate; and no amendment being proposed in the Senate,

Mr. Carter submitted the following resolution, which was considered by unanimous consent and unanimously agreed to:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of a convention signed by the delegates of the United States to the Second International Peace Conference held at The Hague from June 15 to October 18, 1907, respecting the limitation of the employment of force for the recovery of contract debts.

Resolved further, as a part of this act of ratification, That the United States approves this convention with the understanding that recourse to the permanent court for the settlement of the differences referred to in said convention can be had only by agreement thereto through general or special treaties of arbitration heretofore or hereafter concluded between the parties in dispute.

EXTRADITION CONVENTION WITH PORTUGAL, SIGNED MAY 7, 1908.

MAY 22, 1908.

The Senate resumed consideration of the same as in Committee of the Whole; and no amendment being proposed it was reported to the Senate, and no amendment being proposed,

Mr. Carter submitted the following resolution, which was considered by unanimous consent and unanimously agreed to.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of an extradition treaty between the United States and Portugal, signed at Washington on May 7, 1908.

In giving this advice and consent to the ratification of the said treaty and as a part of the act of ratification, the Senate understands

that it is agreed by the United States that no person charged with crime shall be extraditable from Portugal upon whom the death penalty can be inflicted for the offense charged by the laws of the jurisdiction in which the charge is pending, and that this agreement on the part of the United States will be mentioned in the ratifications of the treaty and will, in effect, form part of the treaty.

Ordered, That the Secretary lay the said resolution before the President of the United States.

SHIP CANAL TREATY WITH PANAMA, SIGNED JANUARY 9, 1909.

MARCH 3, 1909.

On motion by Mr. Cullom, the Senate proceeded as in Committee of the Whole to resume consideration of the same, and no amendment being proposed it was reported to the Senate; and no amendment being proposed in the Senate,

Mr. Cullom submitted the following resolution, which was considered by unanimous consent and unanimously agreed to.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of a treaty between the United States and the Republic of Panama relating to the Panama Canal, signed January 9, 1909.

Resolved, As a part of this ratification, That the United States approves the treaty between the United States and Panama with the understanding that so far as the United States is concerned no question shall be submitted to arbitration herein provided for which in any way affects the vital interests of the United States in the protection, operation, maintenance, sanitation, and protection of the Panama Canal.

Ordered, That the Secretary lay the said resolution before the President of the United States.

AGREEMENT WITH RUSSIA REGULATING THE POSITION OF CORPORATIONS AND OTHER COMMERCIAL ASSOCIATIONS, SIGNED JUNE 25, 1904.

MAY 6, 1909.

Reported favorably by Mr. Root.

On motion by Mr. Root, and by unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the said agreement, and no amendment being proposed, it was reported to the Senate; and no amendment being proposed,

Mr. Root submitted the following resolution, which was considered by unanimous consent and unanimously agreed to:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of an agreement (Ex. D, 58th, 3d) between the United States and Russia to regulate the position of corporations or stock companies and other commercial associations; signed at St. Petersburg on June 25, 1904.

Resolved, That the Senate advises and consents to the ratification of the said agreement with the understanding that the regulations referred to in the third paragraph in the agreement as existing in the several countries refer to and include on the part of the United States the regulations established by and under the authority of the several States of the Union.

ARBITRATION TREATY WITH GREAT BRITAIN, SIGNED AUGUST 3, 1911.

MARCH 7, 1912.

(In open executive session.)

The treaty was reported to the Senate and the amendments recommended in the Committee of the Whole were concurred in.

Mr. Lodge offered the following substitute resolution of ratification:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of a treaty signed by the plenipotentiaries of the United States and Great Britain on August 3, 1911, extending the scope and obligation of the policy of arbitration adopted in the present arbitration treaty of April 4, 1908, between the two countries, so as to exclude certain exceptions contained in that treaty and to provide means for the peaceful solution of all questions of difference which it shall be found impossible in future to settle by diplomacy, with the following amendments:

On page 3, line 4, after the word "tribunal," add a comma.

In the same line strike out "may" and insert in lieu thereof "shall."

On page 4, strike out the paragraph commencing on line 28 and ending on line 35.

Mr. BACON. I offer as a substitute for the proviso the one I now send to the desk.

The VICE PRESIDENT. The Senator from Georgia offers an amendment in the form of a substitute for the proviso, which will be read.

The SECRETARY. In lieu of the proviso, insert:

Provided, That the Senate advise and consent to the ratification of the said treaty with the understanding, to be made part of such ratification, that the treaty does not authorize the submission to arbitration of any question which affects the admission of aliens to the educational institutions of the several States, or the territorial integrity of the several States or of the United States, or concerning the question of the alleged indebtedness or monied obligation of any State of the United States, or any question which depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe doctrine, or other purely governmental policy.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Georgia to the resolution of ratification.

The yeas and nays were ordered; and Mr. Bacon's amendment to Mr. Lodge's resolution was agreed to—yeas 46, nays 36, not voting 9.

The VICE PRESIDENT. The question is on agreeing to the resolution of ratification as amended.

The yeas and nays were ordered, and the Secretary called the roll. The result was announced—yeas 76, nays 3, not voting 12.

The VICE PRESIDENT. Two-thirds having voted in favor thereof, the resolution as amended is adopted.

INTERNATIONAL WIRELESS TELEGRAPH CONVENTION, CONCLUDED
JULY 5, 1912.

JANUARY 22, 1913.

On motion by Mr. Root, the Senate proceeded to consider the same. The convention was read the second time and considered in Committee of the Whole; and no amendment being proposed,

Was reported to the Senate.

The convention was considered in the Senate; and no amendment being proposed,

Mr. Root submitted the following resolution for consideration:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the radio-telegraphic convention signed at London on July 5, 1912, with the final protocol and service regulations connected therewith: Provided, That the Senate advise and consent to the ratification of said convention with the understanding, to be expressed as a part of the instrument of ratification, that nothing in the ninth article of the regulations affixed to the convention shall be deemed to exclude the United States from the execution of her inspection laws upon vessels entering or clearing from her ports.

The resolution was considered by unanimous consent and unanimously agreed to.

That the said resolution be transmitted forthwith to the President of the United States.

CONVENTION SIGNED AT PARIS ON JANUARY 17, 1913, MODIFYING THE
INTERNATIONAL SANITARY CONVENTION OF DECEMBER 3, 1903.

FEBRUARY 19, 1913.

On motion by Mr. Lodge, and by unanimous consent, the Senate, as in Committee of the Whole, proceeded to the consideration of the said convention; and no amendment being proposed, it was reported to the Senate; and no amendment being proposed,

Mr. Lodge submitted the following resolution, which was considered by unanimous consent and unanimously agreed to:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of a convention between the United States and other powers, signed at Paris on January 17, 1913, modifying the international sanitary convention of December 3, 1903: Provided, That the Senate advise and consent to the ratification of said convention with the understanding, to be expressed as a part of the instrument of ratification, that nothing contained in article 9 thereof shall be deemed to prevent the United States from carrying out any special quarantine measures against the infection of its ports which might be demanded by unusual sanitary conditions.

Ordered, That the Secretary lay the said resolution before the President of the United States.

